

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

SCOTT MCMAHON,)
On behalf of plaintiff and the class members)
described below,) Case No.: 14-cv-05257
)
 Plaintiff,) Hon. Judge John F. Grady
)
 vs.)
)
 GALAXY ASSET PURCHASING, LLC and)
 CONVERGENT OUTSOURCING, INC.)
)
 Defendants.)

DEFENDANTS' ANSWER TO COMPLAINT

Defendants Galaxy Asset Purchasing, LLC (“Galaxy”) and Convergent Outsourcing, Inc. (“Convergent”)(together, “Defendants”), through their undersigned counsel, Olson Law Group, for their Answer to Plaintiff’s Complaint, state as follows:

INTRODUCTION

1. Defendants lack knowledge or information sufficient to form a belief regarding the truth of the allegations in this paragraph except to deny that Defendants have violated the law and/or are liable to Plaintiff.

VENUE AND JURISDICTION

2. Defendants admit that this Court generally has jurisdiction over claims pursuant to 28 U.S.C. §§ 1331, 1337 and 15 U.S.C. § 1692k but denies that Plaintiff has any such claim.

3. Defendants admit that do business in this district. Defendants lack knowledge or information sufficient to form a belief regarding the truth of the remaining allegations in this paragraph and its subparts.

PARTIES

4. Defendants lack knowledge or information sufficient to form a belief regarding the truth of the allegations in this paragraph.

5. Admitted, in part. Galaxy's office is located at 4730 South Fort Apache Road, Suite 300, Las Vegas, NV 89147-7947.

6. Defendants lack knowledge or information sufficient to form a belief regarding the truth of the allegations in this paragraph except to admit that Galaxy sometimes purchases debts.

7. Admitted.

8. Defendants lack knowledge or information sufficient to form a belief regarding the truth of the allegations in this paragraph.

9. Admitted.

10. Defendants admit that Convergent sometimes acts as "collection agency" and uses mails and telephone to collect debts. Defendants lack knowledge or information sufficient to form a belief regarding the truth of the remaining allegations in this paragraph.

11. Defendants admit that Convergent sometimes acts as "debt collector" as that term is defined in the FDCPA.

FACTS

12. Defendants lack knowledge or information sufficient to form a belief regarding the truth of the allegations in this paragraph.

13. Defendants admit that Convergent mailed the letter attached as Exhibit A to Plaintiff. Defendants lack knowledge or information sufficient to form a belief regarding the truth of the remaining allegations in this paragraph.

14. Defendant neither admits nor denies the allegations in this paragraph for lack of knowledge or information sufficient to form a reasonable belief as to the truth of the allegations.

15. Defendants admit that Convergent mailed the letter attached as Exhibit A to Plaintiff. Defendants lack knowledge or information sufficient to form a belief regarding the truth of the remaining allegations in this paragraph.

16. Defendants admit that Convergent mailed the letter attached as Exhibit A, which speaks for itself, to Plaintiff. Defendants lack knowledge or information sufficient to form a belief regarding the truth of the remaining allegations in this paragraph.

17. Defendants lack knowledge or information sufficient to form a belief regarding the truth of the allegations in this paragraph.

18. Defendants lack knowledge or information sufficient to form a belief regarding the truth of the allegations in this paragraph.

19. Defendants lack knowledge or information sufficient to form a belief regarding the truth of the allegations in this paragraph.

20. Defendants lack knowledge or information sufficient to form a belief regarding the truth of the allegations in this paragraph.

21. Defendants lack knowledge or information sufficient to form a belief regarding the truth of the allegations in this paragraph.

22. Defendants lack knowledge or information sufficient to form a belief regarding the truth of the allegations in this paragraph.

23. Defendants lack knowledge or information sufficient to form a belief regarding the truth of the allegations in this paragraph.

24. Defendants lack knowledge or information sufficient to form a belief regarding the truth of the allegations in this paragraph.

25. Defendants admit that Exhibit A, which speaks for itself, has been attached to the Complaint. Defendants lack knowledge or information sufficient to form a belief regarding the truth of the remaining allegations in this paragraph.

26. Defendants lack knowledge or information sufficient to form a belief regarding the truth of the allegations in this paragraph.

27. Defendants lack knowledge or information sufficient to form a belief regarding the truth of the allegations in this paragraph.

28. Defendants lack knowledge or information sufficient to form a belief regarding the truth of the allegations in this paragraph.

29. Defendants admit that Exhibit A, which speaks for itself, has been attached to the Complaint. Defendants lack knowledge or information sufficient to form a belief regarding the truth of the remaining allegations in this paragraph.

30. Denied as untrue.

COUNT I – FDCPA – COLLECTION TIME BARRED DEBT

31. Defendants reassert their previous responses as if fully set forth in this paragraph.

32. Denied as untrue.

33. Defendants admit that Exhibit A, which speaks for itself, has been attached to the Complaint. Defendants lack knowledge or information sufficient to form a belief regarding the truth of the remaining allegations in this paragraph except to deny that the letter violates the law.

34. Defendants lack knowledge or information sufficient to form a belief regarding the truth of the allegations in this paragraph.

35. Defendants lack knowledge or information sufficient to form a belief regarding the truth of the allegations in this paragraph.

36. Defendants lack knowledge or information sufficient to form a belief regarding the truth of the allegations in this paragraph.

37. Defendants lack knowledge or information sufficient to form a belief regarding the truth of the allegations in this paragraph.

38. Defendants lack knowledge or information sufficient to form a belief regarding the truth of the allegations in this paragraph.

39. Defendants lack knowledge or information sufficient to form a belief regarding the truth of the allegations in this paragraph.

40. Defendants lack knowledge or information sufficient to form a belief regarding the truth of the allegations in this paragraph.

41. Defendants lack knowledge or information sufficient to form a belief regarding the truth of the allegations in this paragraph.

42. Denied as untrue.

43. Defendants admit that Plaintiff has cited a portion of 15 U.S.C. § 1692e. Defendants lack knowledge or information sufficient to form a belief regarding the truth of the remaining allegations in this paragraph.

44. Defendants admit that Plaintiff has cited a portion of 15 U.S.C. § 1692f. Defendants lack knowledge or information sufficient to form a belief regarding the truth of the remaining allegations in this paragraph.

CLASS ALLEGATIONS

45. Defendants lack knowledge or information sufficient to form a belief regarding the truth of the allegations in this paragraph.

46. Defendants lack knowledge or information sufficient to form a belief regarding the truth of the allegations in this paragraph.

47. Defendants lack knowledge or information sufficient to form a belief regarding the truth of the allegations in this paragraph.

48. Defendants lack knowledge or information sufficient to form a belief regarding the truth of the allegations in this paragraph.

49. Denied as untrue.

50. Denied as untrue.

51. Denied as untrue.

52. Denied as untrue.

WHEREFORE, Defendants Galaxy Asset Purchasing, LLC and Convergent Outsourcing, Inc. request that this Court: (a) dismiss Plaintiff's Complaint with prejudice; (b) award Defendants their fees and costs wrongfully incurred in defense of this matter; and (c) grant Defendants such further and other relief as is just and proper.

COUNT II – FDCPA
MISLEADING COMMUNICATIONS REGARDING INTEREST RATE

53. Defendants reassert their previous responses as if fully set forth in this paragraph.

54. Denied as untrue.

55. Denied as untrue.

CLASS ALLEGATIONS

56. Defendants lack knowledge or information sufficient to form a belief regarding the truth of the allegations in this paragraph.

57. Defendants lack knowledge or information sufficient to form a belief regarding the truth of the allegations in this paragraph.

58. Denied as untrue.

59. Denied as untrue.

60. Denied as untrue.

61. Denied as untrue.

WHEREFORE, Defendants Galaxy Asset Purchasing, LLC and Convergent Outsourcing, Inc. request that this Court: (a) dismiss Plaintiff's Complaint with prejudice; (b) award Defendants their fees and costs wrongfully incurred in defense of this matter; and (c) grant Defendants such further and other relief as is just and proper.

Respectfully Submitted,

/s/ Charity A. Olson
Charity A. Olson (P68295)

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AFFIRMATIVE DEFENSES

Defendants Galaxy Asset Purchasing, LLC ("Galaxy") and Convergent Outsourcing, Inc. ("Convergent") (together, "Defendants"), through their undersigned counsel, Olson Law Group, for their Affirmative Defenses, state as follows:

1. Any allegation not specifically admitted in Defendants' Answer is denied.
2. Plaintiff has failed to state a claim against Defendants upon which relief can be granted.
3. To the extent Defendants' conduct violated the law, such conduct was not intentional but was the result of a bona fide error notwithstanding the maintenance of procedures reasonably adopted to avoid such error(s).
4. To the extent Galaxy is found to be vicariously liable for the alleged conduct of Convergent or any other entity, Galaxy is entitled to rely upon the bona fide error defense of such other party as its own affirmative defense.
5. Plaintiff's claims may be precluded, in whole or part, to the extent Plaintiff's damages, if any, were caused by the acts and/or omissions of persons or entities over whom Defendants have no control or authority.
6. Plaintiff's causes of action may be subject to the provisions of a contractual arbitration agreement requiring adjudication of Plaintiff's claims in another forum.

Respectfully Submitted,

/s/ Charity A. Olson
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CERTIFICATE OF SERVICE

I, Charity A. Olson, an attorney, certify that I served the foregoing Answer to Complaint upon the following counsel of record via the Case Management/Electronic Case Filing System ("ECF") as indicated, this 14th day of August 2014.

Attorneys for Plaintiff(s)

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